



STATE OF MICHIGAN

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## **Sikkema, Johnson Announce Public Hearings on Out-of-State Waste**

*Joint Senate Natural Resources and Environmental Affairs Committee, House Land Use and Environment Committee to Conduct Meetings*

(LANSING) – Senate Majority Leader Ken Sikkema and House Speaker Rick Johnson today announced a series of public hearings intended to let Michigan residents air their concerns about the persistent problem of out-of-state waste. Despite numerous Legislative attempts to alleviate the issue, the matter has been incessantly rejected by the judicial branch.

Hearings will be conducted jointly by the Senate Natural Resources and Environmental Affairs Committee, chaired by Senator Patricia Birkholz, R-Saugatuck, and the House Land Use and Environment Committee, chaired by state Representative Ruth Johnson, R-Holly.

The hearings are scheduled for Wednesday, May 21 in Rochester, Wednesday, May 28 in Northville and Tuesday, June 3 in Lansing.

“These public information hearings will give Michigan residents the opportunity to discuss with legislative leaders their opinion on the amount of trash and waste that crosses our borders from other states and Canada,” Birkholz said. “There are certain environmental health and safety concerns that arise with this issue, and it is incumbent upon the Legislature to hear residents’ concerns.”

Representative Ruth Johnson concurred with Senator Birkholz, adding that recent court decisions have thwarted Michigan’s attempts to reduce the influx of foreign trash.

“There is great public sentiment for the state to take any and all measures in attempting to reduce the amount of out-of-state and out-of-country waste being transported into Michigan,” Johnson said. “Unfortunately, federal court decisions have held that Michigan does not have the authority to restrict the waste, concluding that the states must be granted specific authority by Congress in order to restrict its movement.”

There have been a plethora of attempts at controlling out-of-state waste in Michigan, all with little or no success having been achieved at actually reducing the amount of regular solid waste being imported into the state.

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Significant court decisions, including the United States Supreme Court's decision in *Fort Gratiot Sanitary Landfill vs. MDNR*, have long held that Michigan and other states do not have the current statutory authority to restrict out-of-state waste, holding that waste is an item of commerce, and under the Interstate Commerce Clause of the U.S. Constitution, individual states do not have the authority to unduly restrict out-of-state waste.

Since January 1, 2003, more than 25 bills or resolutions have been introduced in the Michigan Legislature that would regulate the flow of waste from other states and Canada into Michigan landfills. The joint hearings are intended to take testimony from residents and interested parties on the Legislation, and to hear other ideas on how to address the issue.

Following the hearings, it is expected that the Legislature will move forward with the ideas received that are expected to withstand judicial review.

The hearings will take place at the following times and locations:

**Wednesday, May 21, 2003**

Oakland University  
242 Elliott Hall Auditorium  
Business Information Technology Building  
Rochester MI 48309  
6:30 p.m. – 8:30 p.m.

**Wednesday, May 28, 2003**

Meads Mill Middle School  
Rondel Media Center  
16700 Franklin Road  
Northville MI 48167  
6:30 p.m. – 8:30 p.m.

**Tuesday, June 3, 2003**

Boji Tower (formerly the Michigan National Tower)  
1<sup>st</sup> Floor Senate Hearing Room  
124 W. Allegan Street  
Lansing MI 48933  
8:00 a.m.